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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/345,969	07/01/1999	LAURENT FROUIN	1807.0651	1884

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EXAMINER

LY, ANH VU H

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/345,969

Applicant(s)

FROUIN, LAURENT

Examiner

Anh-Vu H Ly

Art Unit

2667

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 87-101, 103, 107, 110-131, 160, 161 and 204.

Claim(s) objected to: 84-86.

Claim(s) rejected: 1-12, 14-16, 20-46, 48-59, 61, 69-83, 111, 112, 132, 135-151, 162-187, 189, 199-203, 205.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2. NOTE: New issues such as "a passband allocation operation of allocating the passband for connected-mode transmissions based on the item of information, wherein the passband allocation operation is performed in coordination with all communication devices using this information operation; a second allocation operation of allocation for non-connected-mode transmissions, all or part of the passband not allocated for the connected-mode transmissions, for each communication device that is to effect, a transmission in the non-connected mode, wherein the second allocation operation is performed independently from other communication devices in the network; an adjustment operation of adjusting the allocated passband to avoid congestion on the network" found in amended independent claim 1; "the passband necessary for the transmissions in the connected mode, wherein said passband allocation means is adapted to allocate, to a transmission to be effected in the non-connected mode, all or part of the passband not allocated for the connected mode, independently from other communication devices in the network; adjusting means, adapted to adjust the allocated passband to avoid congestion in the network" found in independent claim 31. Other new issues which would require further consideration and/or search can be found in amended dependent claims such as "to vary a passband" in dependent claim 40; "elimination means" in dependent claim 54; "the table-updating message" in dependent claim 100; "adjusting an allocated passband concerns a connected-mode transmission, and wherein said adjustment operation includes varying a size of data packets transmitted in the connected mode with a load on a path and a transmission rate of the packets performed by a communication device that is a source of information" in dependent claim 201.



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